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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q68204

Katsuhito MOCHIZUKI , et al.

Appln. No.: 10/052,394

Group Art Unit: 2875

Confirmation No.: 3940

Examiner: John A. WARD

Filed: January 23, 2002

For: VEHICLE HEADLAMP

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The Examiner, in the July 14, 2003 Notice of Allowance, included a *Statement of Reasons for Allowance* that indicated:

Regarding claims 7 and 10 has [sic] been amended to include allowable subject matter as indicated in [the] office action as filed on March 27, 2003, in addition nowhere in the prior art of record is found a vehicle head lamp having a lamp body, first and second reflector side by side, a light source being supported by each reflector, [and] the lower reflector is pivoted in the horizontal direction by rotating a drive portion responding to the turning of the wheel.

However, Applicants respectfully submit that the Examiner's *Statement of Reasons for Allowance* is both inaccurate and improper.

As an initial matter, the Examiner's indication that claims 7 and 10 were "amended to include allowable subject matter" is inaccurate. Specifically, claims 7 and 10 were indicated as being allowable in the March 27, 2003 Office Action (see pg. 5, 1st par.). Thus, claims 7 and 10 contained allowable subject matter as filed, and were not "amended to include allowable subject matter." In fact, the only changes made to claims 7 and 10 during prosecution were to rewrite them in independent form (*i.e.*, to include the claims from which they depended) by Applicants' June 27, 2003 Amendment.

Additionally, Applicants respectfully submit that it appears that the Examiner has attempted to paraphrase the features of claim 7 when describing the allowable features of independent claims 7 and 10. This is improper for at least the following reasons.

First, Applicants respectfully submit that claim 7 is patentable over the references of record by virtue of its *recited* features, not the Examiner's paraphrasing of such features (which may or may not accurately reflect the actually recited features of claim 7).

Additionally, the Examiner seems to be vaguely indicating that the paraphrased portion of claim 7 included in the *Statement of Reasons for Allowance* is the reason that both claim 7 and claim 10 are allowable. Such an indication is incorrect and improper.

Specifically, claim 10 does not recite all of the features paraphrased by the Examiner in the *Statement*. As a matter of example, claim 10 does not recite the "drive portion" discussed in the Examiner's *Statement*.

Comments On Statement Of Reasons For Allowance
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Applicants respectfully submit that claim 10 is patentable over the references of record by virtue of its recited features, not features of other claims of the Application or the Examiner's paraphrasing of these other claims.

Respectfully submitted,



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